

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

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|----------------------|---|------------------|
| In re: |) | |
| |) | |
| EAGLE PROPERTIES AND |) | Bankruptcy Case |
| INVESTMENTS, LLC, |) | No. 23-10566-KHK |
| |) | Chapter 7 |
| Debtor. |) | |
| | | |

MOTION TO AUTHORIZE OPERATION OF DEBTOR’S BUSINESS

COMES NOW, H. Jason Gold, the Chapter 7 Trustee (“Trustee”), by his undersigned counsel, and hereby files this motion¹ (“Motion”), pursuant to 11 U.S.C. §§ 105 and 721 authorizing the operation of the Debtor’s business related to the rental of the Properties (hereafter defined) stating to the Court as follows:

1. On April 6, 2023, Eagle Properties and Investments LLC (the “Debtor”) filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code (the “Bankruptcy Code”).

2. On March 21, 2024, the Order of Conversion of Chapter 11 to Chapter 7 was filed (Docket No. 359). H. Jason Gold was appointed Chapter 7 Trustee.

3. The estate includes an interest in the certain properties, including the following (the “Properties”):

- 1203 Cottage Street, SW, Vienna, VA
- 449 Lawyers Road, NW, Vienna, VA

¹ In accordance with Local Rule 9013-1(G)(1), the Trustee is combining his memorandum of points and authorities with this Motion.

- 1010 Lynn Street, SW, Vienna, VA
- 445 Windover Avenue, Vienna, VA
- 1001 Manning Drive, Falmouth, VA
- 2565 Chain Bridge Road, Vienna, VA
- 2567 Chain Bridge Road, Vienna, VA
- 15474 Roxbury Road, Glenwood, MD
- 897 W. Lombard Street, Baltimore, MD
- 3012 Dupont Ave, Baltimore, MD
- 202 N. Port Street, Baltimore, MD
- 213 N. Port Street, Baltimore, MD
- 580 W. Areba Avenue, Hershey, PA
- 1343 Church Road, Hershey, PA
- 1635 Church Road, Hershey, PA
- 7616 Grove Avenue, Harrisburg, PA
- 7180 Jonestown Road, Harrisburg, PA
- 7213 Linglestown Road, Harrisburg, PA
- 1630 E. Chocolate Ave, Hershey, PA
- 7939 Ridge Land, Hummelstown, PA
- 248 Berkstone Drive, Harrisburg, PA
- 204 S. Fairville Ave, Harrisburg, PA
- 6958 New Oxford Road, Harrisburg, PA
- 6961 Sterling Road, Harrisburg, PA

- 71 Lucy Ave, Hummelstown, PA

4. By Order entered on April 5, 2024 (Doc. No. 381), the Trustee employed Stephen Karbelk as the real estate agent and team leader of RealMarkets (“Agent”), who is affiliated with CENTURY 21 New Millennium (“Broker”), to procure and submit to the Trustee offers to purchase the Properties.

5. Separately, by order entered on April 5, 2024, the Trustee was authorized to employ Stephen Karbelk as the real estate Asset Manager and team leader of Auction Markets, LLC DBA RealMarkets (“Asset Manager”) to provide asset management services for the Trustee.

6. Certain of the Properties are subject to current lease agreements through which the Debtor receives rental income.

7. Pursuant to Section 721 of the Bankruptcy Code, “[t]he court may authorize the Trustee to operate the business of the debtor for a limited period, if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate.” 11 U.S.C. § 721. The Trustee requests that the Court authorize him to collect any rental income from the Properties. To the extent utilities, insurance premiums, title reports, re-keying expenses or other reasonable, necessary and documented costs associated with the maintenance, upkeep, operation and repair of the Properties are required, consistent with the order approving the employment of Asset Manager, the Trustee will pay those costs directly in his discretion or by reimbursing the Asset Manager.

8. The Trustee seeks approval to advance up to Five Thousand Dollars (\$5,000.00) from unencumbered estate funds to the Asset Manager to pay expenses approved by the Trustee for the purpose of maintaining and preserving the Properties until such time as the properties are sold. The Asset Manager will hold the funds in his Trust Account and provide a monthly account

reconciliation report to the Trustee. The estate will be reimbursed for these expenses upon the closing of the sale of the property for which the expense was made.

9. The Trustee will file monthly reports and summaries of the operation of the business, including a statement of receipts and disbursements, commencing following the month of April 2024 until further order of the court.

10. The Trustee seeks approval to continue this limited operation of this business through May 31, 2025 unless extended by further order of the court.

WHEREFORE, the Trustee respectfully requests that the Court enter an order in form attached as Exhibit A hereto authorizing the limited operation of the Debtor's business related to the rental of the Properties (hereafter defined) through May 31, 2025, and for such other relief as is just and proper.

Respectfully submitted,

H. JASON GOLD, TRUSTEE

By Counsel

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By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of April, 2024, a copy of the foregoing Motion was delivered by first class mail, postage prepaid to the parties on the attached service list² and to:

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/s/ Dylan G. Trache
Dylan G. Trache

4883-0907-5638 v.3

² Pursuant to Local Rule 5005-1(C)(8), the attached service list is not being served on each of the parties, but is attached to the original Certificate of Service filed with the Court.